

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

WEDNESDAY, THE 2ND DAY OF DECEMBER 2015/11TH AGRAHAYANA, 1937

WP(C).No. 36480 of 2015 (H)

PETITIONER(S):

**SREEDEVI, AGED 62 YEARS,
W/O.LATE SIVAN, THALIYAKADAN HOUSE,
PULIKKAANNI, PALAPPILLY P.O., PALAPPILLY VILLAGE,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.**

**BY ADVS.SRI.G.SREEKUMAR (CHELUR),
SRI.N.L.BITTO.**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF CO-OPERATION, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695 001.**
- 2. DISTRICT COLLECTOR,
COLLECTORATE, AYYANTHOLE, THRISSUR-680 023.**
- 3. THE TAHSILDAR,
CHALAKUDY TALUK OFFICE, CHALAKUDY P.O.,
THRISSUR DISTRICT-680 001.**
- 4. THE VILLAGE OFFICER,
MATTATHUR VILLAGE, MATTATHUR P.O., CHALAKUDY TALUK,
THRISSUR DISTRICT-680 001.**
- 5. KERALA GRAMIN BANK, AMBALLORE,
REPRESENTED BY ITS AUTHORISED OFFICER,
AMBALLORE PO, THRISSUR DISTRICT, KERALA-680 051.**

**R1 TO R4 BY GOVT. PLEADER SMT.LILLY K.T.
R5 BY ADV. SRI.T.R.RAVI, SC.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-12-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

rs.

WP(C).No. 36480 of 2015 (H)

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1 : A TRUE COPY OF THE NOTICE OF ATTACHMENT OF MOVABLES &
IMMOVABLES ISSUED BY THE 3RD RESPONDENT DATED 22-07-2015.

RESPONDENT'S EXHIBITS:- NIL.

//TRUE COPY//

P.S. TO JUDGE

rs.

A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 36480 of 2015

Dated this the 2nd day of December, 2015

JUDGMENT

The petitioner, who had availed of an agricultural loan from the 5th respondent bank, defaulted in repayment of the same. Consequently, the respondent bank initiated proceedings under the Kerala Revenue Recovery Act, to recover the loan amounts. Ext.P1 is the demand notice issued to the petitioner by the 3rd respondent. In the writ petition, the petitioner impugns the steps initiated by the respondent bank for recovery of the loan amounts.

2. I have heard the learned counsel appearing on behalf of the petitioner as also the learned Standing Counsel appearing on behalf of the respondents.

3. On a consideration of the facts and circumstances of the case and the submissions made across the bar, I note that the sole prayer of the petitioner is to permit her to remit the balance amounts outstanding to the bank in easy installments. Taking into account the plea of financial hardship raised by the petitioner, I dispose the writ petition with the following directions:-

- (i) The total outstanding amount, in respect of the

loan, is stated to be Rs.91,152/- together with accrued interest and collection charges. Accordingly, if the petitioner remits the aforesaid amount of Rs.91,152/- together with accrued interest in four equal and successive monthly installments commencing from 14.01.2016, then the recovery steps initiated against her by the respondent bank shall be kept in abeyance.

- (ii) It is made clear that if the petitioner commits a default in respect of any of the installments, she will lose the benefit of this judgment and the respondent bank will be free to continue the recovery proceedings against her from the stage at which they presently stand.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE